

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 23304
of Omnibus Investments, Inc. and
California Pacific Properties to
Appropriate from Unnamed Stream in
Amador County.

)
Decision 1431

DECISION CANCELLING APPLICATION

BY BOARD CHAIRMAN ADAMS AND MEMBER AUER:

A hearing having been held in connection with Application 23304 on May 24, 1973, at 10:00 a.m. in the Resources Building, 1416 Ninth Street, Sacramento, California, for the purpose of allowing the Applicants Omnibus Investments, Inc. and California Pacific Properties an opportunity to present evidence to establish whether or not there is unappropriated water available to supply the applicants and whether the application should be approved; due notice of the time, place, and nature of said hearing having been given by certified mail to said applicants; said notice having been received, as is evidenced by return receipt; neither applicant having appeared at said hearing; evidence having been presented and received at said hearing and having been duly considered, the Board finds as follows:

1. On July 3, 1969, Application 23304 was filed by Albert R. Moni for diversion to storage at an existing reservoir. Subsequent to the filing of the application, title to the reservoir area vested in Omnibus Investments, Inc. and California Pacific Properties, Inc. The application was amended, after notice to all

parties to show Omnibus Investments, Inc. and California Pacific Properties, Inc. as the applicants.

2. The applicants did not appear at the hearing on May 24, 1973.

3. The applicants have not presented any evidence to show the existence of unappropriated water.

4. Section 731, Article 14, Subchapter 2, Chapter 3, Title 23, California Administrative Code provides that:

"Any party in interest who fails to appear at a hearing will not be entitled to a further opportunity to be heard unless good cause for such failure is shown to the board within five days thereafter, and the lack of such showing of good cause may, in the discretion of the board, be interpreted as an abandonment of interest by such party in the subject matter of the application."

It is hereby concluded from the foregoing findings that the applicants have abandoned their interest in Application 23304 and such application should therefore be cancelled.

NOW, THEREFORE, IT IS ORDERED that Application 23304 be and it is cancelled on the records of the State Water Resources Control Board.

Dated: January 17, 1974

We Concur:

ABSENT

W. W. Adams, Chairman

RONALD B. ROBIE

Ronald B. Robie, Vice Chairman

MRS. CARL H. (JEAN) AUER

Mrs. Carl H. (Jean) Auer

ROY E. DODSON

Roy E. Dodson, Member

W. DON MAUGHAN

W. Don Maughan, Member